

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WARREN JOSEPH KING,)	No. C 16-0730 JSW (PR)
)	
Petitioner,)	ORDER OF DISMISSAL; GRANTING
)	LEAVE TO PROCEED IN FORMA
vs.)	PAUPERIS
)	
J. SOTO, Warden,)	(Dkt. No. 3)
)	
Respondent.)	

This case was opened when Petitioner, a prisoner of the State of California proceeding pro se, filed a form federal habeas petition with a large number of attachments. Petitioner previously filed a habeas petition in federal court, which petition was dismissed without prejudice because it indicated that he had not exhausted his claims by presenting them to the California Supreme Court. *See King v. Soto*, No. C 15-1137 JSW (PR).

The form petition filed in the instant case contains only minimal allegations, and instead references an attached document. The attached document is a copy of a filing in the California Court of Appeal entitled “Affidavit of truth of negative and positive averment, Warren King D-43943 pursuant to maxims of commercial law.” This affidavit and its attached exhibits do not set forth the most basic information required for a federal

1 habeas petition, such as the crime he was convicted of and the date of his criminal
2 judgment. They also do not include claims that his conviction or sentence violate federal
3 law. The exhibits consist of records from Petitioner's criminal proceedings in the trial
4 court and the California Court of Appeals, but there is no indication in the exhibits or the
5 affidavit itself that Petitioner has presented any claims to the California Supreme Court.


6 Accordingly, the instant petition is DISMISSED without prejudice to filing a
7 federal habeas petition setting forth claims that challenge his state court judgment on the
8 grounds that it violates federal law, provided such claims have been presented to the
9 California Supreme Court.

10 Petitioner's application for leave to proceed in forma pauperis is GRANTED.

11 The Clerk shall enter judgment and close the file.

12 IT IS SO ORDERED.

13 DATED: May 3, 2016

14 
15 JEFFREY S. WHITE
16 United States District Judge
17
18
19
20
21
22
23
24
25
26
27
28